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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 120 OF 2025

WITH

INTERIM APPLICATION NO. 1649 OF 2025

IN

SECOND APPEAL NO. 120 OF 2025

Ravindra Sampatrao Metkari

.....Appellant

Vs.

Raghuraj Rajaram Metkari and ors

.....Respondents

Mr. Sandesh Patil a/w Mr. Chintan Shah and Ms. Anusha Amin i/b Mr. Prithviraj Gole Advocate for the Appellant

CORAM : GAURI GODSE, J.

DATE : 14th FEBRUARY 2025

ORDER:

1. Heard learned counsels for the appellant. The second appeal is admitted on the following substantial questions of law:

(I) Whether the findings recorded by the first Appellate Court on the validity of the registered adoption deed, by recording findings on the eligibility of Sampatrao to be taken in adoption, in view of Section 10 of The Hindu Adoptions and Maintenance Act, 1956 ('Adoption Act')

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would be sustainable, in the absence of any specific pleadings and supporting evidence to challenge the adoption of Sampatrao on the ground of his eligibility to be taken in adoption?

(II) Whether the findings recorded by the first Appellate Court would amount to incorrect appreciation of Section 16 and Section 10 of Adoption Act?

(III) Whether the findings recorded by the first Appellate Court on the validity of adoption deed is contrary to the provision of Section 16 of the Adoption Act?

(IV) Whether the findings recorded by the first Appellate Court on the ground that there was inherent defect in the adoption deed would amount to recording a finding beyond the grounds pleaded to challenge the adoption of Sampatrao?

(V) Whether in the absence of any findings on partition by metes and bounds between Nivrutti and Rajaram, the prayer for partition and separate possession of the plaintiff could have been dismissed?

2. In addition to Court notice, learned advocate for the appellant shall serve the respondents by private notice and file affidavit of

service.

3. Call for record and proceedings. Printing is dispensed with.
4. Learned advocate for the appellant shall file private paper-book within a period of one year.

INTERIM APPLICATION NO. 1649 OF 2025:

5. Rule on interim relief in terms of prayer clause (c) is made returnable on 20th June 2025.
6. In addition to Court notice, learned advocate for the applicant shall serve the respondents by private notice and file affidavit of service before the next date.
7. During the pendency of the application, there will be ad-interim relief in terms of prayer clause (c).

[GAURI GODSE, J.]